

APPENDIX I.1

Proposed Guideline



**DISTRICT OF COLUMBIA
DIVISION II. JUDICIARY AND JUDICIAL PROCEDURE
TITLE 16. PARTICULAR ACTIONS, PROCEEDINGS AND MATTERS.
CHAPTER 9. DIVORCE, ANNULMENT, SEPARATION, SUPPORT, ETC.**

§ 16-916.01. Child Support Guideline.

(a) In any case that involves the establishment of child support, or in any case that seeks to modify an existing child support order, if the judicial officer finds that there is an existing duty of child support, the judicial officer shall conduct a hearing on child support, make a finding, and enter a judgment in accordance with the Child Support Guideline ("Guideline") established in this section.

(b) In every divorce, custody, and domestic violence case, the judicial officer shall inquire as to the parents' child support arrangements. If the parent entitled to child support has not requested support, or if the parents have agreed against the entry of a child support order, the judicial officer shall advise the parents, regardless of whether they are represented by counsel, as to the entitlement to child support pursuant to the Guideline.

(c) Guiding Principles: The Guideline shall be based on the following principles:

(1) The Guideline shall set forth an equitable approach to child support in which both parents share legal responsibility for the support of the child.

(2) The subsistence needs of each parent shall be taken into account in the determination of child support.

(3) A parent has the responsibility to meet the child's basic needs, as well as to provide additional child support above the basic needs level.

(4) Application of the Guideline shall be gender neutral.

(5) The Guideline shall be applied consistently regardless of whether either parent is a Temporary Assistance for Needy Families (TANF), Program on Work, Employment, and Responsibility (POWER), or General Assistance for Children (GAC) recipient, or a recipient in any substantially similar, means-tested public assistance program.

(6) The Guideline shall be applied presumptively.

(d) Determination of Income:

(1) For purposes of this section, the term "gross income" means income from any source, including, but not limited to:

- (A) Salary or wages, including overtime, tips, or income from self-employment;
- (B) Commissions;
- (C) Severance pay;
- (D) Royalties;
- (E) Bonuses;
- (F) Interest or dividends;
- (G) Income derived from a business or partnership after deduction of reasonable and necessary business expenses, but not depreciation;
- (H) Social Security;
- (I) Veteran's benefits;
- (J) Insurance benefits;
- (K) Worker's compensation;
- (L) Unemployment compensation;
- (M) Pension;
- (N) Annuity;
- (O) Income from a trust;

- (P) Capital gains from a real or personal property transaction, if the capital gains represent a regular source of income;
- (Q) A contract that results in regular income;
- (R) A perquisite or in-kind compensation if the perquisite or in-kind compensation is significant and represents a regular source of income or reduces living expenses, such as use of a company car or reimbursed meals;
- (S) Income from life insurance or an endowment contract;
- (T) Regular income from an interest in an estate, directly or through a trust;
- (U) Lottery or gambling winnings that are received in a lump sum or in an annuity;
- (V) Prize or award;
- (W) Net rental income after deduction of reasonable and necessary operating costs, but not depreciation; or
- (X) Taxes paid on a party's income by an employer or, if the income is nontaxable, the amount of taxes that would be paid if the income were taxable.

(2) For parents subject to self-employment tax, one-half of Social Security and Medicare taxes due and payable on current income shall be deducted from the parent's gross income before the child support obligation is computed in the instant case.

(3) Alimony paid by either parent to the other parent in the instant case shall be deducted from the gross income of the paying parent before the child support obligation is computed in the instant case. Alimony received from any person, regardless of whether it is received by the other parent in the instant case, shall be added to the gross income of the receiving party before the child support obligation is computed in the instant case. These deductions and additions for alimony are applicable to court-ordered alimony and alimony agreed to by the parties.

(4) A prior child support order that is being paid by either parent shall be deducted from the parent's gross income before the child support obligation is computed in the instant case.

(5) Either parent shall receive credit for additional dependent children living in the parent's home for whom the parent owes a legal duty of support. Using only the income of the parent with the additional children in the home, the basic child support obligation for the number of additional children living with that parent (from the Schedule of Basic Child Support Obligations in subsection (e)(2)) is determined for that parent. This figure is multiplied by 75% and the resulting amount is subtracted from that parent's gross income before the child support obligation is computed in the instant case.

(6) Gross income does not include benefits received from means-tested public assistance programs, such as Temporary Assistance for Needy Families (TANF), Program on Work, Employment, and Responsibility (POWER), General Assistance for Children (GAC), Supplemental Security Income (SSI), and Food Stamps.

(7) Gross income does not include income received by or on behalf of a child in the household of a parent or third party who is not the child at issue in the instant case. This includes foster care and guardianship payments.

(8) If the child in the instant case is in the care of a third party, both parents may be required to pay child support. The income of the third party shall not be considered in the calculation of support.

(9) Adjustment for Social Security Disability Insurance (SSDI) derivative benefits:

(A) If the child in the instant case receives SSDI derivative benefits from either parent, the amount of the derivative benefit shall be included in the gross income of the parent from whom the benefit derives (i.e., the parent receiving his or her own SSDI benefit);

(B) If the child in the instant case receives SSDI derivative benefits from the parent with a legal duty to pay support, the following adjustments shall be made:

- (i) The child support obligation shall be calculated as described in subsections (e) through (j). However, to arrive at the final child support order amount, the amount of the SSDI derivative benefit paid to the child in the instant case shall be subtracted from the child support obligation. If the SSDI derivative benefit is less than the child support obligation, the order shall be set at the

difference between the child support obligation and the SSDI derivative benefit. If the SSDI derivative benefit is greater than the child support obligation, the order shall be set at zero.

(ii) If the judicial officer finds that SSDI derivative benefits were paid to the child in the instant case prior to the filing of a petition to establish or motion to modify child support, those benefits shall be counted toward any retroactive support or accumulated arrears.

(10) Imputed Income. If the judicial officer finds that a parent is voluntarily unemployed or underemployed and that the parent's unemployment or underemployment is the result of the parent's bad faith or deliberate suppression of income to avoid or minimize his or her child support obligation, or to maximize the other parent's obligation, child support may be calculated based on the parent's imputed income. Income may not be imputed to a parent who is physically or mentally unable to work or who is receiving means-tested public assistance benefits. The judicial officer shall issue written factual findings as to the reason for imputing income and the amount of income imputed.

(11) Verification of Income. Gross income of the parties shall be documented using competent evidence at the discretion of the judicial officer, including, but not limited to, paystubs, tax returns, Employer Statements, affidavits, or oral testimony provided under oath.

(d-1) Adjusted Gross Income. Each parent's "adjusted gross income" is determined by making the appropriate adjustments according to this section (d), if any, for: FICA and Medicare taxes for self-employed individuals; alimony; prior child support orders; and additional children living in the home.

(e) Basic Child Support Obligation: The basic child support obligation shall be determined in accordance with the Schedule of Basic Child Support Obligations in subsection (2) of this section. The basic child support obligation shall be divided between the parents in proportion to their respective adjusted gross incomes. If the parents' combined adjusted gross income falls between amounts shown in the Schedule, the basic child support obligation shall be rounded up to the next higher amount.

(1) Low Income and Minimum Orders:

(A) A parent with a legal duty to pay support, but with adjusted gross income below \$12,382 per year shall be considered unable to contribute the amount determined by the Schedule. Instead, a parent at this level of income shall be treated on an individual basis and shall be ordered to pay only the amount that the judicial officer determines he or she is able to pay, while still meeting his or her own subsistence needs.

(B) The presumptive, rebuttable minimum order shall be \$50 per month, where the judicial officer finds that the parent has the ability to pay the minimum order, while still meeting his or her own subsistence needs. The presumption can be rebutted downward to \$0 or upward above \$50 with evidence of resources and/or circumstances affecting the parent's ability to pay, including, but not limited to, age, employability, disability, homelessness, incarceration, inpatient substance abuse treatment, other inpatient treatment, or other appropriate circumstances. A minimum order below or above \$50 shall be supported by written factual findings.

(2) Schedule of Basic Child Support Obligations:

Schedule of Basic Child Support Obligations				
COMBINED ADJUSTED GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR or MORE CHILDREN
11,400	3042	4325	5053	5666
12,000	3176	4514	5271	5908
12,600	3310	4702	5488	6151
13,200	3444	4890	5705	6393
13,800	3577	5076	5919	6632
14,400	3695	5244	6113	6847
15,000	3810	5411	6306	7063
15,600	3926	5578	6500	7279
16,200	4042	5740	6693	7494
16,800	4157	5902	6886	7710
17,400	4270	6064	7074	7926
18,000	4371	6226	7261	8141
18,600	4471	6389	7448	8352
19,200	4571	6550	7629	8547
19,800	4669	6692	7791	8728
20,400	4760	6835	7952	8908
21,000	4851	6958	8114	9088
21,600	4941	7081	8276	9269
22,200	5032	7205	8438	9449
22,800	5123	7328	8599	9629
23,400	5214	7451	8761	9809
24,000	5305	7575	8905	9990
24,600	5395	7698	9045	10170
25,200	5486	7821	9185	10350
25,800	5577	7945	9326	10530
26,400	5668	8068	9463	10697
27,000	5759	8190	9593	10850
27,600	5849	8306	9724	10995
28,200	5936	8423	9854	11140
28,800	6023	8539	9984	11285
29,400	6110	8655	10114	11430
30,000	6205	8782	10256	11588
30,600	6305	8915	10405	11754
31,200	6405	9048	10554	11921
31,800	6503	9181	10703	12087
32,400	6596	9315	10852	12253
33,000	6689	9448	11001	12419
33,600	6782	9581	11151	12605
34,200	6875	9716	11318	12791
34,800	6966	9861	11485	12977

Schedule of Basic Child Support Obligations				
COMBINED ADJUSTED GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR or MORE CHILDREN
35,400	7061	9998	11652	13163
36,000	7158	10132	11819	13349
36,600	7255	10266	11986	13535
37,200	7352	10399	12151	13721
37,800	7449	10533	12313	13908
38,400	7546	10666	12465	14092
39,000	7643	10800	12617	14274
39,600	7740	10933	12769	14456
40,200	7837	11067	12921	14623
40,800	7934	11201	13070	14769
41,400	8031	11334	13192	14906
42,000	8128	11453	13314	15041
42,600	8222	11564	13435	15177
43,200	8304	11674	13557	15313
43,800	8387	11785	13679	15448
44,400	8469	11895	13800	15584
45,000	8551	12006	13922	15720
45,600	8633	12116	14043	15855
46,200	8715	12227	14165	15991
46,800	8797	12337	14287	16126
47,400	8879	12448	14408	16262
48,000	8961	12558	14530	16376
48,600	9043	12668	14642	16487
49,200	9125	12779	14742	16598
49,800	9207	12879	14841	16709
50,400	9290	12979	14941	16820
51,000	9372	13079	15041	16932
51,600	9455	13180	15140	17043
52,200	9538	13280	15240	17154
52,800	9621	13380	15340	17265
53,400	9703	13480	15439	17376
54,000	9786	13580	15539	17487
54,600	9869	13680	15639	17598
55,200	9952	13780	15738	17716
55,800	10034	13881	15838	17849
56,400	10117	13981	15954	17983
57,000	10200	14085	16074	18117
57,600	10283	14195	16194	18250
58,200	10369	14306	16314	18384
58,800	10455	14417	16434	18518
59,400	10542	14528	16554	18651
60,000	10628	14638	16674	18785

Schedule of Basic Child Support Obligations				
COMBINED ADJUSTED GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR or MORE CHILDREN
60,600	10715	14749	16793	18919
61,200	10801	14860	16913	19052
61,800	10888	14971	17033	19186
62,400	10974	15081	17153	19320
63,000	11061	15192	17273	19451
63,600	11147	15303	17392	19582
64,200	11234	15414	17509	19712
64,800	11320	15522	17626	19843
65,400	11406	15628	17743	19973
66,000	11490	15735	17860	20103
66,600	11575	15842	17977	20234
67,200	11659	15949	18094	20364
67,800	11743	16056	18211	20495
68,400	11827	16163	18328	20625
69,000	11911	16270	18445	20755
69,600	11995	16377	18562	20886
70,200	12080	16483	18679	21016
70,800	12164	16590	18796	21147
71,400	12248	16697	18913	21277
72,000	12332	16804	19030	21408
72,600	12416	16911	19147	21538
73,200	12500	17018	19264	21668
73,800	12585	17125	19381	21799
74,400	12662	17232	19498	21936
75,000	12733	17338	19617	22076
75,600	12805	17445	19743	22216
76,200	12877	17560	19868	22356
76,800	12949	17676	19994	22496
77,400	13024	17785	20119	22636
78,000	13101	17885	20245	22776
78,600	13178	17984	20370	22916
79,200	13254	18083	20496	23056
79,800	13331	18182	20622	23196
80,400	13408	18282	20743	23336
81,000	13485	18381	20850	23476
81,600	13562	18480	20957	23616
82,200	13639	18579	21064	23756
82,800	13715	18678	21171	23896
83,400	13792	18778	21278	24035
84,000	13869	18877	21385	24154
84,600	13946	18976	21492	24273
85,200	14023	19075	21599	24393

Schedule of Basic Child Support Obligations				
COMBINED ADJUSTED GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR or MORE CHILDREN
85,800	14100	19174	21707	24512
86,400	14177	19274	21814	24632
87,000	14253	19373	21921	24751
87,600	14338	19483	22039	24883
88,200	14424	19593	22158	25015
88,800	14509	19702	22276	25148
89,400	14594	19812	22395	25280
90,000	14679	19922	22514	25410
90,600	14764	20032	22632	25537
91,200	14849	20142	22751	25665
91,800	14934	20251	22865	25792
92,400	15019	20361	22979	25919
93,000	15104	20467	23093	26046
93,600	15189	20571	23207	26173
94,200	15272	20674	23320	26300
94,800	15349	20778	23434	26427
95,400	15427	20881	23548	26554
96,000	15504	20985	23662	26681
96,600	15582	21089	23776	26808
97,200	15659	21192	23890	26935
97,800	15736	21296	24004	27062
98,400	15814	21399	24118	27189
99,000	15891	21503	24232	27316
99,600	15969	21606	24346	27443
100,200	16046	21710	24460	27570
100,800	16123	21814	24574	27697
101,400	16201	21917	24688	27824
102,000	16278	22021	24802	27951
102,600	16356	22124	24916	28078
103,200	16433	22228	25030	28205
103,800	16510	22331	25143	28332
104,400	16588	22435	25257	28459
105,000	16665	22539	25371	28586
105,600	16743	22642	25485	28713
106,200	16820	22746	25599	28840
106,800	16897	22849	25713	28966
107,400	16975	22953	25827	29093
108,000	17052	23056	25940	29219
108,600	17130	23160	26053	29345
109,200	17207	23266	26167	29471
109,800	17284	23372	26280	29598
110,400	17364	23478	26393	29724

Schedule of Basic Child Support Obligations				
COMBINED ADJUSTED GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR or MORE CHILDREN
111,000	17447	23584	26506	29850
111,600	17529	23690	26620	29976
112,200	17611	23796	26733	30103
112,800	17694	23902	26846	30229
113,400	17776	24008	26959	30355
114,000	17858	24114	27073	30481
114,600	17940	24220	27186	30608
115,200	18023	24326	27299	30734
115,800	18105	24432	27412	30860
116,400	18187	24538	27525	30986
117,000	18270	24644	27639	31113
117,600	18352	24750	27752	31239
118,200	18434	24856	27865	31365
118,800	18517	24962	27978	31491
119,400	18599	25068	28092	31618
120,000	18681	25174	28205	31744
120,600	18763	25280	28318	31870
121,200	18846	25386	28431	31997
121,800	18928	25492	28545	32123
122,400	19010	25598	28658	32249
123,000	19093	25704	28771	32375
123,600	19175	25810	28884	32502
124,200	19257	25916	28998	32628
124,800	19339	26022	29111	32754
125,400	19422	26128	29224	32880
126,000	19504	26234	29337	33007
126,600	19586	26340	29450	33133
127,200	19669	26447	29564	33259
127,800	19748	26553	29677	33385
128,400	19827	26659	29790	33512
129,000	19905	26765	29903	33638
129,600	19983	26871	30017	33764
130,200	20062	26977	30130	33892
130,800	20140	27080	30243	34022
131,400	20219	27181	30357	34152
132,000	20297	27282	30473	34281
132,600	20376	27383	30590	34411
133,200	20454	27484	30706	34541
133,800	20533	27585	30820	34671
134,400	20611	27686	30931	34801
135,000	20688	27787	31042	34931
135,600	20765	27888	31153	35060

Schedule of Basic Child Support Obligations				
COMBINED ADJUSTED GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR or MORE CHILDREN
136,200	20842	27989	31264	35190
136,800	20918	28090	31375	35319
137,400	20995	28191	31486	35442
138,000	21072	28292	31597	35566
138,600	21149	28392	31708	35690
139,200	21225	28493	31819	35814
139,800	21302	28594	31930	35937
140,400	21379	28695	32041	36061
141,000	21456	28796	32152	36185
141,600	21532	28897	32263	36309
142,200	21609	28998	32374	36432
142,800	21686	29099	32485	36556
143,400	21763	29200	32596	36680
144,000	21839	29301	32707	36804
144,600	21916	29402	32818	36928
145,200	21993	29503	32929	37051
145,800	22070	29604	33040	37175
146,400	22147	29705	33151	37299
147,000	22223	29805	33262	37423
147,600	22300	29906	33373	37546
148,200	22377	30007	33484	37670
148,800	22454	30108	33595	37794
149,400	22530	30209	33706	37918
150,000	22607	30310	33817	38041
150,600	22684	30411	33928	38165
151,200	22761	30512	34039	38289
151,800	22837	30613	34150	38413
152,400	22914	30714	34261	38536
153,000	22991	30815	34372	38660
153,600	23068	30916	34483	38784
154,200	23144	31017	34594	38908
154,800	23221	31118	34705	39031
155,400	23298	31219	34816	39155
156,000	23375	31319	34927	39279
156,600	23452	31420	35038	39403
157,200	23528	31521	35149	39527
157,800	23605	31622	35260	39650
158,400	23682	31723	35371	39774
159,000	23759	31824	35482	39898
159,600	23835	31925	35593	40022
160,200	23912	32026	35704	40145
160,800	23989	32127	35815	40269

Schedule of Basic Child Support Obligations				
COMBINED ADJUSTED GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR or MORE CHILDREN
161,400	24066	32228	35926	40393
162,000	24142	32329	36037	40517
162,600	24219	32430	36148	40640
163,200	24296	32531	36259	40764
163,800	24373	32632	36370	40888
164,400	24449	32732	36481	41012
165,000	24526	32833	36592	41135
165,600	24603	32934	36703	41259
166,200	24680	33035	36814	41383
166,800	24757	33136	36925	41507
167,400	24833	33237	37036	41630
168,000	24910	33338	37147	41735
168,600	24987	33439	37258	41836
169,200	25064	33540	37366	41937
169,800	25140	33641	37457	42039
170,400	25217	33742	37548	42140
171,000	25294	33837	37639	42242
171,600	25371	33924	37730	42343
172,200	25447	34012	37821	42445
172,800	25520	34100	37912	42546
173,400	25591	34187	38003	42648
174,000	25662	34275	38094	42749
174,600	25733	34363	38184	42850
175,200	25804	34451	38275	42952
175,800	25876	34538	38366	43053
176,400	25947	34626	38457	43155
177,000	26018	34714	38548	43256
177,600	26089	34802	38639	43358
178,200	26160	34889	38730	43459
178,800	26231	34977	38821	43561
179,400	26302	35065	38912	43662
180,000	26374	35152	39003	43764
180,600	26445	35240	39094	43865
181,200	26516	35328	39185	43966
181,800	26587	35416	39276	44068
182,400	26658	35503	39367	44169
183,000	26729	35591	39458	44271
183,600	26801	35679	39549	44372
184,200	26872	35767	39640	44474
184,800	26943	35854	39731	44575
185,400	27014	35942	39822	44677
186,000	27085	36030	39913	44778

Schedule of Basic Child Support Obligations				
COMBINED ADJUSTED GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR or MORE CHILDREN
186,600	27156	36117	40004	44879
187,200	27227	36205	40095	44981
187,800	27299	36293	40186	45082
188,400	27370	36381	40277	45184
189,000	27441	36468	40368	45285
189,600	27512	36556	40459	45387
190,200	27583	36644	40550	45488
190,800	27654	36732	40641	45590
191,400	27725	36819	40732	45691
192,000	27797	36907	40823	45793
192,600	27868	36995	40914	45894
193,200	27939	37082	41005	45995
193,800	28010	37170	41096	46097
194,400	28081	37258	41187	46198
195,000	28151	37346	41278	46300
195,600	28216	37433	41369	46401
196,200	28282	37521	41460	46503
196,800	28347	37609	41551	46604
197,400	28412	37697	41642	46706
198,000	28478	37784	41733	46807
198,600	28543	37864	41824	46908
199,200	28608	37945	41915	47010
199,800	28674	38025	42006	47111
200,400	28739	38106	42097	47213
201,000	28804	38187	42188	47314
201,600	28870	38267	42272	47416
202,200	28935	38348	42356	47517
202,800	29000	38428	42439	47619
203,400	29066	38509	42523	47720
204,000	29131	38589	42606	47821
204,600	29196	38670	42690	47917
205,200	29262	38750	42773	48010
205,800	29327	38831	42857	48103
206,400	29392	38912	42941	48196
207,000	29458	38992	43024	48289
207,600	29523	39073	43108	48383
208,200	29588	39153	43191	48476
208,800	29654	39234	43275	48569
209,400	29719	39314	43358	48662
210,000	29784	39395	43442	48755
210,600	29850	39476	43525	48848
211,200	29915	39556	43609	48942

Schedule of Basic Child Support Obligations				
COMBINED ADJUSTED GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR or MORE CHILDREN
211,800	29980	39637	43693	49035
212,400	30046	39717	43776	49128
213,000	30111	39798	43860	49221
213,600	30176	39878	43943	49314
214,200	30242	39959	44027	49407
214,800	30307	40039	44110	49501
215,400	30372	40120	44194	49594
216,000	30438	40201	44277	49687
216,600	30503	40281	44361	49780
217,200	30568	40362	44445	49873
217,800	30634	40442	44528	49966
218,400	30699	40523	44612	50060
219,000	30764	40603	44695	50153
219,600	30830	40684	44779	50246
220,200	30895	40765	44862	50339
220,800	30960	40845	44946	50432
221,400	31026	40926	45029	50525
222,000	31091	41006	45113	50619
222,600	31156	41087	45197	50712
223,200	31222	41167	45280	50805
223,800	31287	41248	45364	50898
224,400	31352	41329	45447	50991
225,000	31418	41409	45531	51084
225,600	31483	41490	45614	51178
226,200	31548	41570	45698	51271
226,800	31614	41651	45782	51364
227,400	31679	41731	45865	51457
228,000	31744	41812	45949	51550
228,600	31810	41892	46032	51643
229,200	31875	41973	46116	51737
229,800	31941	42054	46199	51830
230,400	32006	42134	46283	51923
231,000	32071	42215	46366	52016
231,600	32137	42295	46450	52109
232,200	32202	42376	46534	52202
232,800	32267	42456	46617	52296
233,400	32333	42537	46701	52389
234,000	32398	42618	46784	52482
234,600	32463	42698	46868	52575
235,200	32529	42779	46951	52668
235,800	32594	42859	47035	52761
236,400	32659	42940	47118	52855

Schedule of Basic Child Support Obligations				
COMBINED ADJUSTED GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR or MORE CHILDREN
237,000	32725	43020	47202	52948
237,600	32790	43101	47286	53041
238,200	32855	43181	47369	53137
238,800	32921	43262	47453	53235
239,400	32986	43343	47536	53332
240,000	33051	43423	47621	53429

(f) Combined Adjusted Gross Incomes Exceeding \$240,000: The Guideline shall not apply presumptively when the parents' combined adjusted gross income exceeds \$240,000 per year. For cases that exceed this level of combined adjusted gross income, support shall not be less than the amount that would have been ordered if the Guideline had been applied to combined adjusted gross income of \$240,000, and may be more in the discretion of the judicial officer after a determination of the reasonable needs of the child, based on actual family experience. All such awards shall be supported by written factual findings.

(g) Calculation of Basic Child Support Obligation (Worksheet A): Except in cases of Shared Physical Custody as defined in section (o), Worksheet A found in section (u) shall be used in conjunction with the following steps to calculate the basic child support obligation to be paid by the parent with a legal duty to pay support.

(1) Determine each parent's adjusted gross income according to section (d-1).

(2) Using the parents' combined adjusted gross income, locate the basic child support obligation from the Schedule of Child Support Obligations in subsection (e)(2).

(3) Calculate each parent's percentage share of combined adjusted gross income by dividing each parent's adjusted gross income by the combined adjusted gross income.

(4) Multiply the basic child support obligation from step 2 by each parent's percentage share of combined adjusted gross income from step 3 to determine each parent's share of the basic child support obligation. When the parents do not have Shared Physical Custody as defined in subparagraph (o) below, the parent with whom the child does not primarily reside shall be the parent with a legal duty to pay support. The parent with a legal duty to pay support shall pay his or her share of the basic child support obligation to the other parent. Additional costs, if any, for health insurance premiums, extraordinary medical expenses, and child care shall be added to this amount according to subsections (h) through (j). The parent with whom the child primarily resides shall be presumed to spend his or her share directly on the child.

(h) Health Insurance Premiums:

(1) All orders shall contain terms providing for the payment of medical expenses for the child in accordance with Section 16-916.

(2) Actual amounts paid by either parent for health insurance premiums for the child at issue in the instant case shall be divided between the parents in proportion to their respective adjusted gross incomes and added to the basic child support obligation.

(3) A parent shall present proof of the increase in a medical insurance premium incurred as a result of the addition of the child to the medical insurance policy. The proof provided shall identify clearly that the source of

the increase of the medical insurance premium is the child who is the subject of the child support order. The cost to add the child shall be reasonable.

(4) If a parent has family medical insurance coverage in the parent's medical plan for a second family, the addition of the child who is the subject of the child support order need not result in an additional cost of medical insurance coverage to the parent. The parent shall be required to provide proof that the child has been added to the medical insurance coverage. An adjustment shall not be made if there is no additional cost of medical insurance coverage to the parent.

(h-1) For purposes of subsection (h), medical insurance coverage shall be considered reasonable in cost if it is employer-related or other group medical insurance coverage, regardless of the service delivery mechanism.

(i) Extraordinary Medical Expenses:

(1) Extraordinary medical expenses shall be divided between the parents in proportion to their respective adjusted gross incomes.

(2) Extraordinary medical expenses, including copayments and deductibles, are defined as uninsured or unreimbursed medical expenses in excess of \$250 per year per child at issue in the instant case. Such expenses include, but are not limited to, such costs as are reasonably necessary for orthodontia, dental treatment, asthma treatments, physical therapy, vision care and any chronic health problems.

(3) If the extraordinary medical expenses are recurring and can reasonably be predicted by the judicial officer at the time of establishment or modification of a child support order, the parent's proportionate share of the expense shall be added to the basic child support obligation. Other extraordinary medical expenses shall be paid by the parents in proportion to their adjusted gross incomes if, as, and when such expenses are incurred. If either parent advances payment for such expenses to a provider of services, the other parent shall reimburse that parent for his or her proportionate share of the expense within 30 days of receiving written proof of the expense and payment.

(j) Child Care Expenses: Reasonable actual child care expenses incurred for the child who is the subject of the child support order and due to the employment or education of either parent shall be divided between the parents in proportion to their respective adjusted gross incomes and added to the basic child support obligation. Child care expenses shall be determined by actual family experience, unless the judicial officer determines that the actual family experience is not in the best interest of the child. If there is no actual family experience or if the actual family experience is not in the best interest of the child, the judicial officer shall determine a reasonable child care expense based on the cost of child care from a licensed source or, if the primary residential parent chooses child care with an actual cost that is less than the level required to provide child care from a licensed source, the actual cost of the child care expense.

(k) Low-Income Adjustment. The low-income adjustment is a calculation to ensure that the parent with a legal duty to pay support is able to meet his or her own subsistence needs after the payment of child support. The low-income adjustment shall be the last calculation in the determination of support in order to preserve the purpose of the low-income adjustment. It shall be considered after add-ons for health insurance premiums provided for in subsection (h), extraordinary medical expenses provided for in subsection (i), and child care expenses provided in subsection (j). The following steps shall be taken to calculate the low-income adjustment:

(1) Calculate a child support obligation according to subsections (e) through (j).

(2) Determine the parent's "maximum ability to pay." The parent's maximum ability to pay is calculated by subtracting \$12,382 from the parent's adjusted gross income. The income remaining after subtraction is the parent's maximum ability to pay. If the remainder is negative or less than \$600 per year, subsection (e)(1)(B) shall be applied.

(3) Compare the parent's income available for support from step (2) to the child support obligation calculated in step (1). The amount of child support to be ordered is the lesser of these two amounts.

(l) Cap on Obligation: The child support obligation, including add-ons for health insurance premiums, extraordinary

medical expenses, and child care, shall not exceed 35% of the adjusted gross income of the parent owing support.

(m) Consent Orders and Agreements:

(1) If the parties present a consent order, an agreement that is to become an order, or a written agreement that is to be merged in an order, the judicial officer shall examine the child support provisions of the agreement, and compare the child support provisions to the Guideline. If the amount of child support agreed upon is outside of the range of child support that would be ordered presumptively upon application of the Guideline, the judicial officer shall determine if the agreed upon level of child support is fair and just. If the parties are represented by counsel, the judicial officer shall inquire whether the attorney informed the clients of the Guideline. If the clients have not been informed of the Guideline, the judicial officer shall advise the attorneys to do so. If a party is not represented by an attorney, the judicial officer shall ensure that the party is aware of the child support amount that the court would order presumptively pursuant to the Guideline.

(2) The propriety of any departure from the Guideline shall be justified in writing with a statement of the factors that form the basis for the judicial officer's finding that the departure is fair and just. A transcript filed in the jacket shall suffice as a writing.

(n) Departures: The Guideline shall be applied unless application of the Guideline would be unjust or inappropriate in the circumstances of the particular case. The propriety of any departure from the Guideline shall be justified in writing with a statement of the factors that form the basis for the judicial officer's finding that the departure is unjust or inappropriate. A transcript filed in the jacket shall suffice as a writing. The factors that may be considered to overcome the presumption are:

(1) The needs of the child are exceptional and require more than average expenditures;

(2) The gross income of the parent with a legal duty to pay support is substantially less than that of the parent to whom support is owed;

(3) A property settlement provides resources readily available for the support of the child in an amount at least equivalent to the Guideline amount;

(4) Either parent supports a dependent, including, but not limited to, biological or adoptive children regardless of residence, step-children, or elderly relatives, other than the child at issue in the instant case, and application of the Guideline would result in extraordinary hardship;

(5) The parent with a legal duty to pay support needs a temporary period of reduced child support payments to permit the repayment of a debt or rearrangement of his or her financial obligations; a temporary reduction may be included in a child support order if:

(A) The debt or obligation is for a necessary expenditure of reasonable cost in light of the parent's family responsibilities;

(B) The time of the reduction does not exceed 12 months; and

(C) The child support order includes the amount that is to be paid at the end of the reduction period and the date that the higher payments are to commence;

(6) The parent to whom support is owed receives child support for a child living in her or his home other than the child at issue in the instant case and the resulting gross income of the household to which support is owed causes the standard of living of that household to be greater than that of the household of the parent with a legal duty to pay support.

(A) Standard of living is measured by dividing the gross income available to the household from all sources by the federal poverty guideline, as reported by the U.S. Department of Health and Human Services, for the number of adults contributing to the household, plus the number of children.

(7) A child has regular and substantial income that can be used for the care of the child in the instant case

without impairment of the child's current or future education;

(8) The parent with a legal duty to pay support has special needs that increase his or her subsistence needs;

(9) The parent with a legal duty to pay support pays for certain expensive necessities for the child, such as tuition;

(10) The parent with a legal duty to pay support is 18 years old or younger and a full-time student;

(11) The child is a respondent in an abuse or neglect case and is placed outside the home, and the goal of the case is reunification with the parent; or

(12) Any other exceptional circumstance that would yield a patently unfair result.

(o) Calculation of Basic Child Support Obligation in Cases of Shared Physical Custody (Worksheet B): When the parents have shared physical custody pursuant to an order or agreement, such that the child spends 33% or more of his or her time during the year residing with each parent, Worksheet B found in section (u) shall be used in conjunction with the following steps to calculate the basic child support obligation to be paid by a parent:

(1) Determine the basic child support obligation from the Schedule set forth in section (e)(2) and multiply it by 1.5. This amount is the “adjusted basic child support;”

(2) Determine each parent’s proportionate share of the adjusted basic child support based on his or her share of adjusted gross income;

(3) Multiply each parent’s share of the adjusted basic child support by the percentage of time the child spends with that parent to determine the amount retained;

(4) For each parent, subtract the “amount retained” from paragraph 3 of this subsection from that parent’s share of adjusted basic child support in paragraph 2 of this subsection.

(5) The parent owing the greater amount under paragraph 4 of this subsection shall owe the difference between the two amounts to the other parent.

(6) Additional costs, if any, for health insurance premiums, extraordinary medical expenses and child care shall be added to this amount according to subsections (h) through (j).

(7) In no case shall the shared custody order result in a support obligation that is greater than a sole custody calculation assuming the parent ordered to pay child support in the shared-parenting time calculation is also the paying parent in the sole-custody calculation, pursuant to section (g).

(o-1) Presumptive Applicability of Shared Custody Adjustment: The shared custody adjustment shall apply presumptively whenever the child spends 33% or more of her/his time during the year with each parent. However, if the parent with whom the child spends less than 33% of her/his time proves by a preponderance of the evidence that the shared custody adjustment should be used to establish the child support order because of the particular circumstances of the parents, the court may award child support using the shared custody adjustment. Similarly, if either parent with whom the child spends more than 33% of her/his time proves by a preponderance of the evidence that the shared custody adjustment should not be used because of the particular circumstances of the parents, the court may award child support pursuant to subsections (g) through (l).

(p) Modification: A child support order issued under this section or section 5 of the District of Columbia Child Support Enforcement Amendment Act of 1985, effective February 24, 1987 (D.C. Law 6-166; § 46-204), shall be subject to modification by application of the Guideline subject to the following conditions or limitations:

(1) The parents in a child support proceeding shall exchange relevant information on finances or dependents every three years and shall be encouraged to update a child support order voluntarily using the updated information and the Guideline. Relevant information is any information that is used to compute child support pursuant to the Guideline.

(2) Every three years, in cases being enforced under Title IV, Part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), the IV-D agency shall notify both parents of the right to a review, and, if appropriate, a modification of their support order under the Guideline. In cases where the IV-D agency conducts a review, the IV-D agency shall inform both parents if a modification is warranted under the Guideline. Upon the request of either parent or, if the obligee receives public assistance, upon the request of either parent or the IV-D agency, the Superior Court shall modify a support order without requiring any showing of a change in circumstances, notwithstanding any other provision of law, if the order differs by 15% or more from the Guideline figure calculated by applying the Guideline to the parents' current circumstances. Nothing in this paragraph shall be construed to limit the ability of a parent to seek a modification of a support order upon a showing of a material and substantial change in the needs of the child or the ability of the parent with a legal duty to pay support to pay.

(2A) If a support order does not provide for the payment of medical expenses for each child included in the support order, at the request of a party or the IV-D agency, the court shall modify the support order to provide for the payment of such expenses in accordance with D.C. Code § 16-916.

(3) There shall be a presumption that there has been a substantial or material change of circumstances that warrants a modification of a child support order if application of the Guideline to the current circumstances of the parents results in an amount of child support that varies from the amount of the existing child support order by 15% or more. If a change to the Guideline results in a support order that differs from the current order by 15% or more, the current order is subject to modification based on the revised Guideline, and no other change in circumstances need be proven.

The presumption may be rebutted by:

(A) Proof of special circumstances, such as a circumstance that would justify a departure from the Guideline; or

(B) Proof of substantial reliance on the original child support order issued prior to the adoption of or revisions to the Guideline, and that application of the revised Guideline would yield a patently unjust result.

(4) The basic child support obligation, plus any additional costs pursuant to subsections (h) through (j), shall be used to compute the amount of child support that the Guideline would yield for modification and to apply the test for the presumption.

(5) If a child support order is issued after September 27, 1987, and the child support order is outside the Guideline, by order of the court or by merged agreement of the parties, the presumption shall not apply within one year of the issuance of the child support order.

(6) If a petition to modify a child support order pursuant to this section is accompanied by an affidavit that sets forth sufficient facts and guideline calculations, and is accompanied by proof of service upon the respondent, the judicial officer may enter an order to modify the child support order in accordance with the Guideline unless a party requests a hearing within 30 days of service of the petition for modification. No order shall be modified without a hearing if a hearing is timely requested.

(7) Notwithstanding paragraphs (3) through (6) of this subsection, a party may submit a praecipe with a certification of waiver and supporting documentation, as prescribed by the Family Court of the Superior Court of the District of Columbia, to modify the child support amount by agreement of the parties at any time. This agreement shall be treated and reviewed by the judicial officer for issuance of a revised decree in the same manner as an original agreement of the parties is reviewed.

(8) The judicial officer shall state the reasons for a departure from the Guideline in writing. A transcript filed in the jacket shall suffice as a writing.

(9) Notwithstanding paragraph (3)(B) of this subsection, if a new child is born to the parents, the Guideline shall be applied to the entire family and one order shall be issued for all the children in the family. If possible, the two cases shall be consolidated if the child support of the last child is petitioned as a separate case.

(10) Nothing in this subsection shall preclude a party from moving to modify a child support order at any other time.

(q) A child support order shall not be deemed invalid on the sole basis that the child support order was issued pursuant to the Superior Court of the District of Columbia Child Support Guideline and prior to the effective date of the Child Support Guideline Amendment Emergency Act of 1989, effective December 21, 1989 (D.C. Act 8-127, 37 DCR 3).

(r) Upon the occurrence of a substantial or material change in circumstances sufficient to warrant the modification of a support obligation pursuant to the Guideline, the judicial officer may modify any provision of an agreement or settlement relating to child support, without regard to whether the agreement or settlement is entered as a consent order or is incorporated or merged in a court order.

(s) Effective Date of Order: If an order or agreement providing for child support does not set forth a date on which the support commences, the support shall be deemed to commence on the date the order was entered or the date the agreement was executed.

(t) Retroactive Child Support:

(1) When a case is brought to establish child support, the judicial officer may award retroactive child support for a period not to exceed 24 months preceding the filing of the request for support, unless the parent to whom support is owed proves by a preponderance of the evidence that the parent with a legal duty to pay support has acted in bad faith or there are other extraordinary circumstances warranting an award of retroactive support beyond the 24-month period. Upon such showing, the court may award retroactive child support for a period that exceeds 24 months prior to the filing of the request for support. An award of retroactive support beyond the 24-month period shall be supported by written factual findings.

(2) Retroactive support shall be calculated by applying the Guideline to the parents' incomes during the retroactive period and by considering the current ability to pay of the parent with a legal duty to pay support according to subsection (e)(1)(B) and subsection (k).

(3) Voluntary payments or contributions to the child's expenses made by the parent with a legal duty to pay support during the retroactive period, which the judicial officer determines to be proven with competent evidence, shall be credited against an award of retroactive support.

(u) Worksheets: In cases of shared physical according to section (o), refer to Worksheet B to calculate support. In all other cases, refer to Worksheet A to calculate support.

Worksheet A: Sole Physical Custody

Name of Petitioner: _____

Name of Respondent: _____

Jacket Number _____ IV-D Number _____

Children	Date of Birth	Children	Date of Birth

PART I. BASIC OBLIGATION	Petitioner	Respondent	Combined
1. GROSS INCOME	\$	\$	
a. Plus or minus alimony [16-916.01 (d)(3)]			
b. Minus prior child support orders [16-916.01 (d)(4)]			
c. Adjustment for additional children living in the home [16-916.01 (d)(5)]			
2. ADJUSTED GROSS INCOME	\$	\$	\$
3. PERCENTAGE SHARE OF ADJUSTED GROSS INCOME (Each parent's Line 2 divided by combined Line 2)	%	%	100%
4. BASIC OBLIGATION (Use Line 2 combined to find amount from schedule [16-916.01(e)(2)])			\$
5. EACH PARENT'S SHARE OF THE BASIC CHILD SUPPORT OBLIGATION (Line 3 x Line 4 for each parent)	\$	\$	
PART II. ADJUSTMENTS FOR ADDITIONAL EXPENSES (Expenses paid directly by each parent)			
6a. Children's Portion of Health Insurance Premium [16-916.01 (h)]	\$	\$	
6b. Extraordinary Medical Expenses [16-916.01 (i)] (if not paid directly to provider)	\$	\$	
6c. Child Care Expenses [16-916.01 (j)] (if not paid directly to provider)	\$	\$	
6d. Total Adjustments (For each parent, add Lines 6a, 6b, and 6c)	\$	\$	\$
7. EACH PARENT'S SHARE OF ADDITIONAL EXPENSES (Line 3 for each parent x Line 6d Combined)	\$	\$	
8. BASIC OBLIGATION PLUS ADDITIONAL EXPENSES (Line 5 + Line 7 for each parent)	\$	\$	
9. ADJUSTMENT FOR PARENT WITH A LEGAL DUTY TO PAY SUPPORT (For the parent with whom the child does not primarily reside, Enter Line 6d)		\$	
10. RECOMMENDED CHILD SUPPORT ORDER (Subtract Line 9 from Line 8 for the paying parent only)		\$	
PART III. LOW INCOME ADJUSTMENT [16-916.01(k)]			
11. SELF SUPPORT RESERVE		\$ 12,382	
12. PAYING PARENT'S INCOME AVAILABLE FOR SUPPORT (Subtract Line 11 from Line 2 for paying parent)		\$	
13. ADJUSTED CHILD SUPPORT ORDER (Lesser of Line 10 or Line 12, or minimum order according to 16-916.01(e)(1))			
Comments, calculations, or rebuttals.			
Prepared By:		Date:	

Worksheet B: Shared Physical Custody

Name of Petitioner: _____

Name of Respondent: _____

Jacket Number _____ IV-D Number _____

Children	Date of Birth	Children	Date of Birth

PART I. BASIC OBLIGATION	Petitioner	Respondent	Combined
1. GROSS INCOME	\$	\$	
a. Plus or minus alimony [16-916.01 (d)(3)]			
b. Minus prior child support orders [16-916.01 (d)(4)]			
c. Adjustment for additional children living in the home [16-916.01 (d)(5)]			
2. ADJUSTED GROSS INCOME	\$	\$	\$
3. PERCENTAGE SHARE OF ADJUSTED GROSS INCOME (Each parent's Line 2 divided by Combined Line 2)	%	%	100%
4. BASIC OBLIGATION (Use Line 2 combined to find amount from schedule)			\$
PART II. SHARED CUSTODY ADJUSTMENT [16-916.01(o)]			
5. ADJUSTED BASIC CHILD SUPPORT (Line 4 x 1.50)			\$
6. Each Parent's Share of Adjusted Basic Child Support (Line 5 x each parent's Line 3)	\$	\$	
7. Time with Each Parent (must total 365)			365
8. Percentage of Time with Each Parent (each parent's Line 7 divided by 365)	%	%	100%
9. Amount Retained (Line 6 x Line 8 for each parent)	\$	\$	
10. Each Parent's Obligation (Line 6 - Line 9)	\$	\$	
11. AMOUNT TRANSFERRED FOR BASIC OBLIGATION (Subtract smaller amount on Line 10 from larger amount on Line 10. Parent with larger amount on Line 10 owes the other parent the difference. Enter \$0 for other parent.)	\$	\$	
PART III. ADJUSTMENT FOR ADDITIONAL EXPENSES (Expenses paid directly by each parent)			
12a. Children's Portion of Health Insurance Premium [16-916.01 (h)]	\$	\$	
12b. Extraordinary Medical Expenses [16-916.01 (i)] (if not paid directly to provider)	\$	\$	
12c. Child Care Expenses [16-916.01 (j)] (if not paid directly to provider)	\$	\$	
12d. Total Adjustments (For each parent, add Lines 12a, 12b, and 12c)	\$	\$	\$
13. Each Parent's Share of Additional Expenses (Each parent's Line 3 x Line 12d Combined)	\$	\$	
14. Each Parent's Net Share of Additional Expenses (Each parent's Line 13 - Line 12d. If negative, enter \$0.)	\$	\$	
15. AMOUNT TRANSFERRED FOR ADDITIONAL EXPENSES (Subtract smaller amount on Line 14 from larger amount on Line 14. Parent with larger amount on Line 14 owes the other parent the difference. Enter \$0 for other parent.)	\$	\$	
PART IV. RECOMMENDED CHILD SUPPORT ORDER			
16. TOTAL AMOUNT TRANSFERRED (Line 11 + Line 15)	\$	\$	
17. RECOMMENDED CHILD SUPPORT ORDER (Subtract smaller amount on Line 16 from larger amount on Line 16. Parent with larger amount on Line 16 owes the other parent the difference.)	\$	\$	
Comments, calculations, or rebuttals.			
Prepared By:		Date:	